

Service Garage, Inc. and Highway & Local Motor Freight Employees, Local 667, affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Case 26-CA-7575

February 12, 1982

ORDER

On February 7, 1980, the National Labor Relations Board issued a Decision and Order¹ in the above-entitled proceeding and, on April 9, 1980, an Order denying Respondent's motion for reconsideration. On June 25, 1981, the Board issued a Supplemental Decision and Order.² On January 5, 1982, the United States Court of Appeals for the Sixth Circuit denied enforcement of the Board's Order.³ Thereafter, on February 2, 1982, Respondent filed with the Board in Washington, D.C., an application

for award of attorneys' fees and expenses under the Equal Access to Justice Act, P.L. 96-481, 94 Stat. 2325, and Section 102.143 of the Board's Rules and Regulations.

The Board, having duly considered the matter, finds that it has no jurisdiction because, pursuant to section 2412(d)(3) of the Equal Access to Justice Act, any request for an award must be filed with the appropriate court of appeals.⁴ Moreover, as noted above, the Board's Supplemental Decision and Order issued on June 23, 1981, and the Equal Access to Justice Act apply only to an administrative adjudication pending on or after October 1, 1981.⁵ Accordingly,

It is hereby ordered that Respondent's request for an award under the Equal Access to Justice Act be, and it hereby is, dismissed.

By direction of the Board: John C. Truesdale,
Executive Secretary.

¹ 247 NLRB 943.

² 256 NLRB 931.

³ 80-1484.

⁴ Report No. 96-1005, Part 1, U.S. House of Representatives, 96th Cong. 2d Sess., Equal Access to Justice Act, pp. 17, 18.

⁵ P.L. 96-481, Sec. 208, 94 Stat. 2330.